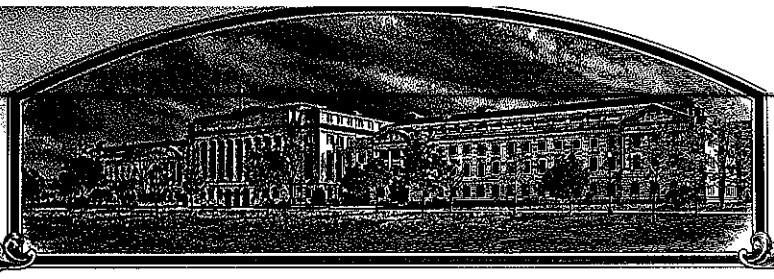
No. 200400149



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pure Seed Testing, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, TALL

'Fidelity'

In Testimony Whereof, *I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-ninth day of November, in the year two thousand and seven.*

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

REPRODUCE LOCALLY. *Include form number and date on all reproductions.* FORM APPROVED - OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROCTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and The Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C 2426).

1. NAME OF OWNER
Pure Seed Testing, Inc.

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME
PST-5T1

3. VARIETY NAME
Fidelity

4. ADDRESS *(Street and No., or RFD No., City, State, and ZIP Code, and Country)*
PO Box ~~470~~ 449
~~Rolesville, NC 27571~~ Hubbard, OR 97032
(BT: 6/4/2007)

5. TELEPHONE *(include area code)*
~~919-556-0146~~ 503-263-0719

6. FAX *(include area code)*
~~919-556-0174~~ 503-263-0703

FOR OFFICIAL USE ONLY
PVPO NUMBER
200400149
FILING DATE
March 23, 2004

7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION *(corporation, partnership, association, etc.)*
Corporation

8. IF INCORPORATED, GIVE STATE OF INCORPORATION
Oregon

9. DATE OF INCORPORATION
1975

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. *(First person listed will receive all papers)*

Melodee Fraser, Ph.D.
PO Box 176
Rolesville, NC 27571

Crystal Rose-Fricker
PO Box 449
Hubbard, OR 97032

FEES RECEIVED
FILING AND EXAMINATIO FEES:
$ 3652.00
DATE 3/26/2004
CERTIFICATION FEE:
$ 768.00
DATE 9/27/2007

11. TELEPHONE *(Include area code)*
919-556-0146

12. FAX *(Include area code)*
919-556-0174

13. E-MAIL
mlkfraser@aol.com

14. CROP KIND *(Common Name)*
tall fescue

16. FAMILY NAME *(Botanical)*
Gramineae

15. GENUS & SPECIES NAME OF CROP
Festuca arundinacea

17. IS THE VARIETY A FIRST GENERATION HYBRID?
No

18. DOES THE VARIETY CONTAIN ANY TRANSGENES? *(OPTIONAL)*
☐ YES ☒ NO
IF SO, PLEASE GIVE THE ASIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT COMMERCIALIZATION.

19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED
(Follow instructions on reverse)

a. ☒ Exhibit A. Origin an Breeding History of the Variety
b. ☒ Exhibit B. Statement of Distinctness
c. ☒ Exhibit C. Objective Description of Variety
d. ☒ Exhibit D. Additional Description of the Variety *(Optional)*
e. ☒ Exhibit E. Statement of the Basis of the Owner's Ownership
f. ☒ Voucher Sample *(2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)*
g. ☒ Filing and Examination fee ($3,652), made payable to "Treasurer of the United States" *(Mail to the Plant Variety Protection Office)*

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)
☐ YES *(If "yes," answer items 21 and 22 below)* ☒ NO *(If "no," go to item 23)*

21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?
☐ YES ☐ NO
IF YES, WHICH CLASSES? ☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

22. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS?
☐ YES ☐ NO
IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. FOR EACH CLASS.
☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED
(If additional explanation is necessary, please use the space indicated on the reverse.

23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U.S. OR OTHER COUNTRIES?
☐ YES ☒ NO
IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSTION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. *(Please use space indicated on reverse.)*

24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT *(PLANT BREEDER'S RIGHT OR PATENT)*?
☐ YES ☒ NO
IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. *(Please use space indicated on reverse.)*

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER	SIGNATURE OF OWNER
Melodee L Fraser	Crystal A Rose-Fricker
NAME *(Please print or type)* **Melodee L. Fraser**	NAME *(Please print or type)* **Crystal A. Rose-Fricker**
CAPACITY OR TITLE **Director of Research - East**	CAPACITY OR TITLE **President**
DATE 10 Mar 04	DATE March, 16, 2004

S&T-470 (04-03) designed by the Plant Protection Office using Word 2002. *(See reverse for instructions and information collection burden statement)*

Exhibit A – Revised

Origin and Breeding History of 'Fidelity' Tall Fescue

'Fidelity' (PST-5T1) tall fescue was developed and released by Pure-Seed Testing, Inc., Hubbard, OR. During the spring of 2000, 30 plants with similar phenotypes were selected from tall fescue nurseries near Hubbard. Twelve of these plants were selected from 'Tomahawk' and the others traced their maternal origins to the following sources: six to population M, which was selected for low soil pH tolerance from collections from the New Jersey Agricultural Experiment Station (NJAES); four to 'Tar Heel'; two to 'OnCue'; two to 5EP-7, which traced to a plant collected at Holly Springs, MS, and one each to 'Coronado', 'Matador', 511-115, which traced to 'Apache', and 5DE-36, which traced to Tomahawk. These plants were transplanted, prior to anthesis, into an isolated polycross designated 5T2. The plants in the 5T2 polycross were allowed to interpollinate during the summer of 2000 and seed was subsequently harvested from 27 plants.

During the fall of 2000, an isolated 6800-plant tall fescue nursery, designated 5T1, was planted near Hubbard. This nursery consisted of 2200 plants from seed harvested from the 5T2 polycross; 1300 plants selected from a turf trial seeded fall of 1997 near Adelphia, NJ; 1050 plants selected from a turf trial seeded fall of 1996 near Adelphia; 1000 plants selected from turf plots exhibiting good brown patch resistance near Rolesville, NC; 450 plants selected from 'Tomahawk E'; 350 plants from Tomahawk E that had survived in a greenhouse salt bath at 12 ppt NaCl; 200 plants from Tomahawk E selected for summer survival near Rolesville; 100 plants from population PST-R5LT, which traced to 'Bonanza II' and 'Coronado'; 50 plants from Tomahawk E that had survived in a greenhouse salt bath at 20 ppt NaCl; 50 plants from population PST-5S2, which traced to 'Safari', and 25 plants each from 'Jaguar 3', population PST-5B39, which traced to 'Bonanza', and populations 3000 and 4000, which traced to collections from NJAES. Rows of plants from the 5T2 polycross were planted randomly into rows from the other sources listed above. During the spring of 2001, plants were removed from this nursery prior to anthesis to increase uniformity of plant type and maturity. Remaining plants were allowed to interpollinate and Breeder seed of Fidelity was subsequently harvested from 873 plants during the summer of 2001.

The plants that produced the Breeder seed of Fidelity traced their maternal origins to the following sources: 22.5% to Tomahawk; 16.5% to Apache; 9% to a plant collected from a Lexington, KY park during 1979; 8% to ryegrass X tall fescue crosses made by NJAES; 6.5% to PST-5EP-7, which traced to a plants collected in Holly Springs, MS; 6% to Coronado; 6% to plants used in the development of 'Arid'; 4% to OnCue; 4% to a plant collected on the campus of the University of Georgia, Athens during 1977; 3.5% to 'Tar Heel'; 2.5% to a plant collected in Holly Springs, MS during 1975; 2% to plants collected in eastern NC; 2% to plants used in the development of 'Masterpiece'; 1.5% each to a plant collected at Princeton, NJ and to PST-R5MR, which traced to plants used in the development of 'Rebel'; 1% each to Jaguar 3, 'Matador', 'Rebel Jr.' and plants used in the development of 'Mini-Mustang' and 0.5% to a plant collected in a Bayonne, NJ park during 1975.

Seed production of Fidelity is limited to three generations of increase from Breeder seed: one each of Foundation, Registered and Certified. Pure-Seed Testing, Inc. maintains Breeder seed in Oregon and will regenerate as needed. Fidelity has shown stability and uniformity multiplied from Breeder seed through the Certified seed generation. No off-types or variants have been observed in the production or multiplication of Fidelity tall fescue.

Exhibit B - Revised

Statement of Distinctness for 'Fidelity' Tall Fescue

'Fidelity' is most similar to 'Tomahawk' tall fescue. They differ in the following characteristics:

1. Fidelity has a mean internode length at least 2.4 cm shorter than Tomahawk (Tables 1, 2).
2. Fidelity has a mean flag leaf width at least 1.2 mm wider than Tomahawk (Tables 1, 2).
3. Fidelity has a mean panicle length at least 1.9 cm shorter than Tomahawk (Tables 1, 3).

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY PROGRAM
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(TALL & MEADOW FESCUES)

OBJECTIVE DESCRIPTION OF VARIETY
TALL & MEADOW FESCUES
(*Festuca* spp.)

NAME OF APPLICANT(S)	TEMPORARY DESIGNATION	VARIETY NAME
Pure Seed Testing, Inc.	**PST-5T1**	**Fidelity**

ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code)
~~606 N. Main St. PO Box 449~~
~~Rolesville, NC 27571~~ Hubbard, OR 97032
(DT: 6/4/2007)

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PVPO NUMBER
200400149

Place the appropriate number that describes the varietal characteristics of this variety in the boxes below. Use leading zeroes when necessary (e.g. 089). Characteristics described, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors. Characteristics marked with an asterisk * are characteristics which should be recorded.

* 1. SPECIES: (With comparison varieties, use varieties within the species of the application variety)

1 1 = *F. arundinacea* (Tall)

Turf Types

1 = Kentucky 31 2 = Rebel 3 = Olympic 4 = Bonanza 5 = Arid 6 = Rebel II

7 = Shortstop 8 = Silverado 9 = Rebel Jr. 10 = Mini Mustang 11 = Crewcut 12 = Bonsai

Forage Types

20 = Kentucky 31 21 = Martin 22 = Forager 23 = Mozark

24 = Kenhy 25 = AU Triumph 26 = Fawn 27 = Cajun

_____ 2 = *F. pratensis* (Meadow)

30 = Admira 31 = Beaumont 32 = Comtessa 33 = Ensign 34 = Trader

* 2. CYTOLOGY:

42 Chromosome Number

3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)

2 Transition Zone **2** West **2** Northeast _____ Other (Specify):_____

* 4. MATURITY: (Date First Headed, 10% of Panicle Emergence)

6 Maturity Class 1 = Very early ( ) 2 = AU Triumph 3 = Early (Fawn) 4 = K31, Kenhy 5 = Medium (Rebel)

6 = Bonanza 7 = Late (Silverado) 8 = ( ) 9 = Very late

Date Headed **29 April 03** Location **Hubbard, OR (Table 4)**

5 Days earlier than **8**
Maturity same as ____
____Days later than ____
} Comparison Variety

* 5. MATURE PLANT HEIGHT CM: (Average of 100 culms from crown to top of panicle, if panicle is nodding, straighten)

134.4 cm Height
____ cm Shorter than ___
Height same as ___
06.8 cm Taller than **8**
} Comparison Variety

* INTERNODE LENGTH CM: **(Table 1)** (First internode subtending the flag leaf)

29.5 cm Internode Length
____ cm Shorter than ___
Length same as **8**
__ __.__ cm Longer than ___
} Comparison Variety

* HEIGHT AT EAR EMERGENCE CM: (Flag leaf height from crown to flag leaf collar) **(Table 1)**

80.2 cm Height
____ cm Shorter than ___
Height same as **8**
__ __.__ cm Taller than ___
} Comparison Variety

* 6. GROWTH HABIT: (Mature Plants)

6 1 = Prostrate ( ) 3 = Semiprostrate ( ) 5 = Horizontal ( )
7 = Semierect (Rebel) 9 = Erect (Mini Mustang)

* 7. RHIZOMES (Psuedo):

0.0 mm Length **1** 1 = Absent ( ) 2 = Rare (Rebel) 3 = Common ( )

* 8. LEAF BLADE: (Tiller leaves/ turf color)

* **7** Color: 1 = Light green ( ) 3 = Medium light green ( ) 5 = Green ( )
7 = Medium dark green ( ) 9 = Very dark green ( )

6 Specify rating of comparison variety **8**

* **1** Anthocyanin: 1 = Absent ( ) 9 = Present ( )

* **1** Basal Hairs: 1 = Absent ( ) 9 = Present ( )

* **5** Margins: 1 = Smooth ( ) 5 = Semi-rough ( ) 9 = Rough ( )

8. LEAF BLADE: (continued)

* **6** Width Class: 1 = Very coarse ( ) 3 = Coarse ( ) 5 = Medium ( )
7 = Fine ( ) 9 = Very Fine ( )

* TILLER LEAF LENGTH CM: (First leaf subtending the flag leaf) **(Table 1)**

28.7 cm Tiller Leaf Length

3 cm Shorter than **8**
Length same as ___
___.__ cm Taller than ___
} Comparison Variety

* TILLER LEAF WIDTH MM: **(Table 1)**

6.3 mm Tiller Leaf Width

___ mm Narrower than ___
Width same as ___
1.3 mm wider than **8**
} Comparison Variety

FLAG LEAF LENGTH CM: **(Table 1)**

18.4 cm Flag Leaf Length

10 cm Shorter than **1**
Length same as ___
___.__ cm Longer than ___
} Comparison Variety

FLAG LEAF WIDTH MM: **(Table 1)**

6.1 mm Flag Leaf Width

__.__ mm Narrower than ___
Width same as ___
1.6 mm Wider than **8**
} Comparison Variety

---

* 9. LEAF SHEATH: (Basal Portion)

* **1** Anthocyanin (seedling): 1 = Absent (K31) 9 = Present ( )

* **9** Auricle Hairiness: 1 = Absent ( ) 9 = Present ( )

---

* 10. PANICLE: (At seed maturity except where noted.)

* **1** Shape: 1 = Narrow-tapering ( ) 5 = Ovate ( ) 7 = Oblong ( ) 9 = Other (specify)

* **2** Type: 1 = Compact (appressed) 5 = Intermediate ( ) 7 = Open ( ) 9 = Other (specify)

* **2** Orientation: 1 = Nodding ( ) 9 = Erect ( )

* **9** Branch Pubescence: 1 = Glabrous ( ) 9 = Pubescent ( )

***1, 4** Anther Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green
4 = Purplish 5 = Reddish 6= Other (Specify)

* **2** Glume Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green
4 = Purplish 5 = Reddish 6= Other (Specify)

* **23.8**cm Panicle Length (from base to tip, if nodding, straighten; after anthesis) **(Table 1)**

___cm Shorter than ___
Length same as **8**
__.__ cm Longer than ___
} Comparison Variety

* 11. SEED: (With Lemma & Pelea)

* **2566** mg per 1000 seeds

___ mg Less than ___
Weight same as ___
525 mg More than **8**
} Comparison Variety

PALEA: (Keels or Margins)

5 Hairs: 1 = Absent ( ) 5 = Short (Missouri 96) 9 = Long ( )

LEMMA:

5 Hairs: 1 = Absent (Kenhy) 5 = Several ( ) 9 = Many (Missouri 96)

5.7 mm Lemma Length (Mature)

__.__ mm Shorter than ___
Length same as **8**
__.__ mm Longer than ___
} Comparison Variety

1.4 mm Lemma Width

__.__ mm Narrower than ___
Width same as ___
0.1 mm Wider than **8**
} Comparison Variety

*AWNS: **5** AWNS: 1 = Absent ( ) 9 = Present (Falcon) **90** % Plants with awns

1.5 mm Awn length (Of those present.)

__.__ mm Shorter than ___
Length same as ___
0.7 mm Longer than **8**
} Comparison Variety

12. DISEASE, INSECT, AND NEMATODE REACTION: (0= Not Tested 1= Least Resistant 9= Most Resistant)

0 Melting-out *Drechslera poae*

0 Leaf Spot *D. siccans*

7 Net Blotch *D. dictyoides*

6 Brown Patch *Rhizoctonia solani*

0 C. Leaf Spot *Cercospora fectucae*

0 Pink Snow Mold *Gerlachia nivalis*

0 Silver Top *F. tricinctum, F. roseum*

0 Blind Seed *Gloeotinia temulenta*

0 Dollar Spot *Lanzia, Mollerdiscus* spp.

5.5 Stem Rust *Puccinia graminis*

0 T. Blight *Typhula incarnata*

7 Pythium Blight *Pythium* spp.

0 Powdery Mildew *Erysiphe graminis*

6 Crown Rust *Puccinia coronata*

___ Other Disease _____

___ Other Insect _____

___ Other Nematode _____

13. ENVIRONMENTAL STRESS

7 Drought Stress 1 = Susceptible ( ) 5 = Tolerant ( ) 9 = Resistant ( )

6 Shade Stress 1 = Susceptible ( ) 5 = Tolerant ( ) 9 = Resistant ( )

13. ENVIRONMENTAL STRESS: (continued)

200400149

6 Winter Stress 1 = Susceptible ( ) 5 = Tolerant ( ) 9 = Resistant ( )

14. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics, indicate the degree of resemblance with the following scale:

1 = Application variety is less than comparison variety 2 = Same as 3 = More than, better, greater, darker, etc.

Character	Varieties	Rating	Character	Varieties	Rating
Leaf Width	**Tomahawk**	**3**	Leaf Color	**Tomahawk**	**2**
Panicle Color			Panicle Shape		
Seed Size	**Silverado**	**3**	Cold Injury	**Tomahawk**	**2**
Winter Color	**Tomahawk**	**2**	Heat	**Tomahawk**	**3**
Disease	**Tomahawk**	**3**			

* 15. EXPERIMENTAL: Give a brief summary of the experimental design utilized to collect the data used on this form. Cultural conditions, number of plants measured and plant spacing must be specified.

A tall fescue seed yield trial was seeded fall of 2001 near Hubbard, OR. Tillers from 25 plants in each of two replications were measured during the summers of 2002 and 2003.

Exhibit D

Additional Description of Fidelity Tall Fescue

1. Fidelity has shown moderate brown patch and stem rust resistance (Tables 5-8).

Table 1. 2003 mean morphological measurements for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Panicle Length (cm)	Tiller Count (#/100 cm^2)
Kentucky 31	149.9	92.1	26.8	37.9	5.3	28.5	4.5	35.2	42.6
Tomahawk	137.2	84.2	33.6	30.3	5.4	19.5	4.8	25.7	68.3
Fidelity	**134.4**	**80.2**	**29.5**	**28.7**	**6.3**	**18.4**	**6.1**	**23.8**	**60.6**
Silverado	127.6	81.0	29.1	31.8	5.0	21.2	4.5	24.6	54.6
LSD (0.05)	**6.0**	**4.4**	**2.1**	**2.5**	**0.7**	**2.3**	**0.7**	**1.9**	**16.0**

Table 2. 2002 mean morphological measurements for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Tiller Count (#/12.7 cm Row)
Kentucky 31	150.1	96.7	30.7	29.0	6.7	16.2	4.7	26.0
Tomahawk	126.7	69.6	29.6	20.0	4.5	13.1	3.9	58.4
Fidelity	**126.7**	**71.6**	**27.2**	**18.4**	**4.6**	**14.3**	**5.1**	**35.1**
LSD (0.05)	**4.5**	**3.7**	**1.8**	**1.8**	**0.6**	**1.5**	**0.6**	**10.3**

Table 3. 2003 mean panicle lengths for entries in a tall fescue seed yield trial seeded fall of 2002 near Hubbard, OR.

Entry	Panicle Length (cm)
Rebel II	25.6
Tomahawk	22.7
Fidelity	**20.3**
LSD (0.05)	**1.6**

Table 4. Mean initial heading dates for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	2002	2003
PST-5LMD	15 May	09 May
Silverado	03 May	04 May
Tomahawk	03 May	30 April
Fidelity	**01 May**	**29 April**
Kentucky 31	25 April	08 April
LSD (0.05)	**5 days**	**8 days**

Table 5. Mean turf quality, Pythium blight and brown patch ratings for entries in a tall fescue turf trial seeded fall of 2001 near Rolesville, NC.

Entry	Turf Quality 2002	2003	Mean	Pythium 21 Aug 03	Brown Patch 2002	2003	Mean
Tar Heel	5.1[1]	5.7	5.4	4.3[2]	6.6[2]	7.4	7.0
Fidelity	**5.1**	**5.9**	**5.5**	**3.7**	**5.9**	**6.1**	**6.0**
Tar Heel II	6.1	6.5	6.3	5.3	6.8	5.1	5.9
Tomahawk	4.3	4.3	4.3	3.3	3.9	5.6	4.7
Silverado	3.4	2.9	3.2	3.0	2.6	5.9	4.2
Bonsai	3.6	1.1	2.3	2.7	2.3	2.4	2.4
LSD (0.05)	**1.1**	**1.4**	**1.2**	**2.4**	**1.7**	**2.0**	**1.3**

[1]9 = no disease; [2]9 = ideal

Table 6. 2002 mean brown patch ratings for entries in national tall fescue turf trials seeded fall of 2001 at six locations in the US.

Entry	AR1	IL2	IN1	OK1	VA1	WI1	Mean
Kentucky 31	8.0[1]	5.7	8.7	3.0	8.7	8.0	7.0
Tar Heel	7.3	4.3	8.0	3.3	8.0	8.3	6.6
Fidelity	**6.7**	**5.0**	**7.7**	**3.3**	**8.0**	**8.0**	**6.4**
Tar Heel II	7.0	4.3	7.0	2.3	8.3	8.3	6.2
Bonsai	5.7	4.3	7.0	6.0	6.0	6.7	5.9
DP 50-9082	4.3	2.7	6.7	4.7	4.7	7.7	5.1
LSD (0.05)	**3.3**	**3.3**	**1.5**	**1.6**	**2.4**	**0.9**	**1.0**

[1]9 = no disease

Table 7. 2003 mean stem rust ratings for entries in a tall fescue seed yield trial seeded fall of 2002 near Hubbard, OR.

Entry	Mean
Tomahawk	6.3[1]
Fidelity	**5.3**
Kentucky 31	4.0
Rebel II	2.7
Eldorado	1.3
LSD (0.05)	**1.9**

[1]9 = no disease

Table 8. 2003 mean stem rust ratings for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	2002	2003
Pure Gold	6.0[1]	7.5
Tomahawk	6.0	7.0
Kentucky 31	6.0	6.0
Fidelity	**5.5**	**6.0**
Silverado	3.0	5.0
Bonsai	4.0	4.0
Eldorado	2.0	3.0
LSD (0.05)	**2.2**	**1.8**

[1]9 = no disease

REPRODUCE LOCALLY. *Include form number and date on all reproductions.* FORM APPROVED - OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C.652a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME
Pure Seed Testing, Inc.	**PST-5T1**	**Fidelity**
4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*	5. TELEPHONE *(include area code)*	6. FAX *(include area code)*
PO Box 449 **Hubbard, OR 97032**	**503-263-0719**	**503-263-0703**
	7. PVPO NUMBER 200400149	

8. Does the applicant own all rights to the variety? *Mark an "X" in appropriate block.* If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company?
If no, give name of country _____ ☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO ***If no, please answer the following:***

a. If original rights to variety were owned by individual(s), is (are the original owner(s) a U.S. national(s)?

☐ YES ☐ NO *If no, give name of country* _____

b. If original rights to variety were owned by a company, is the original owner(s) a U.S. based company?

☐ YES ☐ NO *If no, give name of country* _____

11. Additional explanation on ownership *(If needed, use reverse for extra space):*

Pure Seed Testing, Inc. has licensed Fidelity to Landmark.

PLEASE NOTE:

Plant variety protection can be afforded only to owners (now licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.

2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.

3 If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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STD-470-E (02-97) ***(Destroy previous editions)***